

MENOMINEE TRIBAL LEGISLATURE – REGULAR
JULY 15, 2010
MENOMINEE TRIBAL OFFICE BOARD ROOM
KESHENA, WI 54135
5:00 P.M.

MEMBERS PRESENT:

Laurie A. Boivin, Tribal Chairwoman
Randal Chevalier
Lynnette A. Miller
Myrna R. Warrington
Lisa S. Waukau
Bruce J. Pecore
Kenneth A. Fish
David A. Miller

MEMBERS ABSENT:

Rebecca D. Alegria – (*Excused Absence*)

1. Call to Order – Roll Call

Chairwoman Laurie Boivin called the regular meeting to order at 5:03 P.M. Roll call was taken with a quorum present.

2. Menominee Prayer.

Legislator Fish said the Menominee Prayer.

3. Public Comment Period.

Tribal Member Frieda Bergeon requested to make a public comment regarding Constitutional issues and concerns.

Chairwoman Boivin thanked Frieda Bergeon for her comments.

4. 10-Day Waiver Request(s).

There were no 10-day waiver request(s) made at this time.

5. McGladrey & Pullen Financial & Compliance Report – September 2009.

MOTION BY LYNNETTE MILLER TO APPROVE THE MCGLADREY & PULLEN COMPLIANCE REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2009. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

6. Bid Recommendation for Zoar Community Center Renovation.

MOTION BY MYRNA WARRINGTON TO APPROVE THE BID EVALUATION TEAM TO AWARD THE ZOAR COMMUNITY CENTER RENOVATION TO C & L CONSTRUCTION CONTINGENT UPON NEGOTIATING/REVISION LINE ITEM PROPOSAL CHANGES TO WITHIN BUDGETED AMOUNT. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

7. Resolution No. 10-___ Request to Attend Wahpeton Indian High School – Rayven Alexander Tourtillott.

MOTION BY MYRNA WARRINGTON TO APPROVE MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE RESOLUTION NO. 10-32 REQUEST TO ATTEND WAHPETON INDIAN HIGH SCHOOL WAIVE THE READING, AND APPROVE THE SIGNATURES. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

8. Resolution No. 10-___ Request to Place Land Into Trust.

MOTION BY LISA WAUKAU TO APPROVE RESOLUTION NO. 10-33 REQUEST TO PLACE LAND INTO TRUST, WAIVE THE READING, AND AUTHORIZE THE SIGNATORIES. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

9. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

MOTION BY RANDAL CHEVALIER TO ENTERTAIN THE FOLLOWING UNDER “OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:” – 1) ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE; 2) RESOLUTION NO. 10-34; 3) FOREST MANAGEMENT PLAN TASK FORCE; 4) APPROVAL OF JULY 20, 2010 SPECIAL MEETING AGENDA; 5) COMMUNITY DEVELOPMENT COMMITTEE; 6) RESOLUTION NO. 10-35; 7) APPOINT LEGISLATIVE MEMBER TO WOLF RIVER DEVELOPMENT BOARD; AND 8) APPROVAL OF JULY 22, 2010 ANNUAL JOINT MEETING OF THE MENOMINEE TRIBAL LEGISLATURE AND CONSERVATION COMMISSION AGENDA. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

1) Enforcement and Resource Protection Committee;

MOTION BY BRUCE PECORE TO CONCUR WITH THE ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE OF JUNE 30, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE JOINT MENOMINEE INDIAN TRIBE OF WISCONSIN AND MENOMINEE COUNTY AQUATIC INVASIVE SPECIES (AIS) COORDINATOR POSITION GRANT APPLICATION, AND ADD A CLAUSE WITH THE APPLICATION THAT THE TRIBE DOES NOT WAIVE ANY ASPECT OF SOVEREIGNTY. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

2) Resolution No. 10-34;

MOTION BY BRUCE PECORE TO APPROVE MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION NO. 10-34 IN SUPPORT OF APPLICATION OF FUNDING UNDER THE DEPARTMENT OF NATURAL RESOURCES GRANT PROGRAM, WAIVE THE READING, AUTHORIZE SIGNATURES, AND ADD A CLAUSE WITH THE APPLICATION THAT THE TRIBE DOES NOT WAIVE ANY ASPECT OF SOVEREIGNTY. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

3) Forest Management Plan Task Force;

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE FOREST MANAGEMENT PLAN (FMP) TASK FORCE OF JULY 8, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO SET A SPECIAL MEETING FOR JULY 20, 2010 AT 5:00 P.M., AND THE AGENDA ITEMS SHOULD ENTAIL: 1) FMP TASK FORCE RECOMMENDATIONS, AND 2) DISCUSS UPDATED TIMELINE/SET PUBLIC HEARINGS FOR FOREST MANAGEMENT PLAN APPROVAL. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

4) Approval of July 20, 2010 Special Meeting Agenda;

MOTION BY RANDAL CHEVALIER TO SET A SPECIAL MEETING FOR TUESDAY, JULY 20, 2010 TRIBAL OFFICE BOARDROOM ACCORDING TO THE ATTACHED AGENDA. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

5) Community Development Committee;

MOTION BY DAVID MILLER TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE OF JULY 13, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE REQUEST FOR USE OF THE WOODLAND BOWL AND ITS FACILITIES (TO THE MENOMINEE TRIBAL POLICE FOR THE NATIONAL NIGHT OUT AGAINST CRIME EVENT ON AUGUST 3, 2010) WITH THE USUAL STIPULATIONS FOR USE. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

6) Resolution No. 10-35;

MOTION BY RANDAL CHEVALIER FOR ADOPTION OF MENOMINEE TRIBAL LEGISLATURE RESOLUTION NO. 10-35 RESOLUTION IN SUPPORT OF AN APPLICATION TO THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF FAMILY ASSISTANCE TRIBAL MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING GRANT PROGRAM, WAIVE THE READING, AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

7) Appoint Legislative Member to Wolf River Development Board; and

MOTION BY RANDAL CHEVALIER TO APPOINT LEGISLATOR REBECCA ALEGRIA TO THE WOLF RIVER DEVELOPMENT COMPANY FOR THE REMAINDER OF THIS LEGISLATIVE YEAR. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 6 FOR, 1 OPPOSED (WAUKAU), 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

PLEASE NOTE: *Legislator Waukau qualified her opposition for the record as follows: "I'm opposed, because since this is business orientated, and Wolf River has always been business; they're a money making entity; they're one of our chartered entities, and. I think maybe rather than have both Housing people that maybe we'd be better served if we had one Housing, which has always been the Chairman of Housing Committee, but maybe if we had one of the Legislator's that sat on the MIEDA Board as well, because that gives us that connection between Housing and MIEDA. Therefore, I would much prefer to see Legislator Pecore serve with no disrespect to Legislator Alegria. In addition, I believe the business would be much better served to have someone from MIEDA."*

There continues to be another vacancy on the Wolf River Development Company Board for a community member. The Chairman's Office needs to get the vacant seat posted, and run it for thirty (30) days.

MOTION BY RANDAL CHEVALIER TO POST A COMMUNITY MEMBER VACANCY ON THE WOLF RIVER DEVELOPMENT COMPANY FOR THIRTY (30) DAYS. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

8) Approval of July 22, 2010 Annual Joint Meeting of the Menominee Tribal Legislature and Conservation Commission Agenda.

MOTION BY LISA WAUKAU THAT WE ENTERTAIN A JOINT MEETING BETWEEN THE MENOMINEE TRIBAL LEGISLATURE AND THE CONSERVATION COMMISSION TO BE HELD ON THURSDAY, AUGUST 12, 2010 AT 5:00 P.M. IN THE TRIBAL OFFICE BOARDROOM WITH THE TWO (2) ISSUES TO BE HEARD: 1) UPDATES FROM THE COMMISSION TO THE MENOMINEE TRIBAL LEGISLATURE, AND 2) UPDATE FROM THE CONSERVATION AD-HOC TO THE CONSERVATION COMMISSION. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

10. 1ST Consideration of Amendment to Ordinance No. 07-17 – Legislature Elections.

MOTION BY RANDAL CHEVALIER FOR APPROVAL OF 1ST CONSIDERATION OF AMENDMENT TO ORDINANCE 07-17 LEGISLATURE ELECTIONS, AND MOVE TO PUBLIC HEARING ON JULY 20, 2010 AT 4:30 P.M. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

11. Management Team Reports.

MOTION BY MYRNA WARRINGTON TO APPROVE THE MANAGEMENT TEAM REPORTS. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

The Tribe received a phone call from a donor who wished to donate \$18,000 towards domestic violence and abuse. The Legislator discussed how and who should go to visit the donor and thank her and her family personally for this gift.

MOTION BY KENNETH FISH THAT THE CHAIRPERSON AND HER DESIGNEE(S) GO DOWN TO PERSONALLY THANK THE DONOR. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

12. Approval of Minutes: May 20, 2010 – Regular.

MOTION BY LYNNETTE MILLER TO APPROVE THE REGULAR MEETING MINUTES OF THE MENOMINEE TRIBAL LEGISLATURE OF MAY 20, 2010 WITH ANY POTENTIAL CORRECTIONS. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

13. Community Meeting Recommendations.

Per the revised Legislative Rules of Procedures (LRP's) of April 15, 2010, it is recommended that the community meeting minutes be sent to every Director/Manager for that Department to submit explanations related to their departments/offices. Once the Director has completed their section those recommendations are then sent to the Recording Clerks for the respected Committee's to act on before sending to the Legislature for concurrence.

14. Travel Authorization Requests & Reports.

MOTION BY RANDAL CHEVALIER FOR TRAVEL AUTHORIZATION REQUESTS FOR: 1) CRISIS NETWORK MEETING ON JULY 16, 2010 IN STEVENS POINT, WI FOR MYSELF; 2) WISCONSIN TRIBAL CAUCUS ON JULY 27, 2010 IN BARABOO, WI FOR LEGISLATOR BRUCE PECORE; 3) NATIVE AMERICAN BOYS AND GIRLS CLUBS ON JULY 27 – 28, 2010 IN LAC DU FLAMBEAU, WI FOR ANY INTERESTED LEGISLATOR, AND 4) NATIVE AMERICAN PROCUREMENT CONFERENCE ON AUGUST 4 – 6, 2010 IN CHANDLER, AZ FOR LEGISLATOR'S LISA S. WAUKAU AND BRUCE PECORE; & 5) LEGISLATOR LYNNETTE MILLER, LEGISLATOR MYRNA WARRINGTON, AND LEGISLATOR BRUCE PECORE TO GOVERNOR'S PICNIC ON JULY 26, 2010. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

15. Committee Reports & Recommendations:

a. Tribal Forestry Committee of June 28, 2010

i. Request Approval for Chairwoman Boivin to send MTE Chairman Shawanokasic a Letter.

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF JUNE 28, 2010 TO RECOMMEND TO CHAIRWOMAN BOIVIN TO SEND A LETTER TO MTE CHAIRMAN NORMAN SHAWANOKASIC NOTIFYING HIM THAT THE TRIBAL FORESTRY CHAIRPERSON MYRNA WARRINGTON WILL BE PRESENT AT THE NEXT MTE FORESTRY COMMITTEE MEETING TO DISCUSS LOGGING CONTRACTS AS IT PERTAINS TO THE PROTECTION OF CULTURAL RESOURCES.

NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

b. Budget and Finance Committee of July 6, 2010

i. Request Approval to Raise the Revenue Streams Implemented; &

MOTION BY LISA WAUKAU TO CONCUR WITH THE BUDGET AND FINANCE COMMITTEE OF JULY 6, 2010 TO RECOMMEND TO THE LEGISLATURE THAT THEY LOOK AT RAISING THE REVENUE STREAM BY INCREASING CURRENT TRIBAL TAXES OR IMPLEMENTING NEW ONES LIKE TAXING ALCOHOL, FUEL, OR TRIBAL EMPLOYMENT TAX. NO SECOND NECESSARY. THE MOTION CARRIED: 5 FOR, 2 OPPOSED (CHEVALIER & FISH), 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

PLEASE NOTE: Legislator Fish qualified his opposition as follows: *“Even though I do support certain kinds of taxation, and then there’s other taxation that I don’t support at this time, and that would be the fuel tax and I wouldn’t support a Menominee Employee tax, because of the economic situation that we’re going to be going into the next year or two years. So that’s the reason why I didn’t support this motion, because they should be looking at all those things, and I think they should look at all those areas.”*

Legislator Chevalier qualified his opposition as follows: *“I would just like to note that I would rather see this Committee look at raising fines and fees rather than taxes to law abiding citizens.”*

ii. Request Approval to Appropriate Found Money.

MOTION BY LISA WAUKAU TO CONCUR WITH THE BUDGET & FINANCE COMMITTEE OF JULY 6, 2010 TO APPROPRIATE THE REQUEST FOR FOUND MONEY FOR EDUCATIONAL PURPOSES. NO SECOND NECESSARY.

PLEASE NOTE: Motion was withdrawn, because it did not mention what the educational purposes were.

MOTION BY LISA WAUKAU THAT THE TRIBE APPROPRIATE \$500 FOR THE NEXT CAREER DAY IN OCTOBER TO COLLEGE OF MENOMINEE NATION PER REQUEST OUT OF THE ALREADY BUDGETED FOUND MONEY THAT HAS BEEN DEDICATED FOR YOUTH AND ELDERS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (WARRINGTON), AND 1 ABSENT (ALEGRIA).

PLEASE NOTE: Legislator Warrington qualified her abstention as follows: *“I’m abstaining, because it’s my request.”*

16. 2010 Legislative Goals Progress Reports.

The Legislature discussed their Legislative goals and reported on the progress they are achieving thus far.

17. As per LRP 5.03 – EXECUTIVE SESSION: (A) Legal; (B) Personnel; & (C) Gaming: - 1) Kenosha Project Update; & 2) MIGA Board Updates.

MOTION BY LISA WAUKAU TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

*****EXECUTIVE SESSION WAS NOT RECORDED*****

MOTION BY LISA WAUKAU TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

(A) Legal;

There was no motion made after coming out of Executive Session.

(B) Personnel; &

There was no motion made after coming out of Executive Session.

(C) Gaming:

1) Kenosha Project Update; &

PROPRIETARY MOTION BY LISA WAUKAU. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

2) MIGA Board Updates.

MOTION BY LISA WAUKAU TO APPROVE ADVERTISEMENT WITH LAKELAND TIMES, RHINELANDER, APPLETON, AND LOOK AT SHOPPER'S GUIDES AT THE PRICES DISCUSSED DURING EXECUTIVE SESSION. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

18. Adjournment.

MOTION RANDAL CHEVALIER/BRUCE PECORE TO ADJOURN. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

Meeting Adjourned at 10:25 P.M.

Respectively submitted by,



Debra A. Bowman, Recorder/Transcriber
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE